accordance with Executive Order 13045, entitled Protection of Children from Environmental Health and Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), the Agency previously assessed whether the revocations of tolerances might significantly impact a substantial number of small entities and concluded that, as a general matter, these actions do not impose a significant economic impact on a substantial number of small entities. The factual basis and the Agency's certification under section 605(b) for tolerance revocations was published on December 17, 1997 (62 FR 66020), and was provided to the Chief Counsel for Advocacy of the Small Business Administration. Since no extraordinary circumstances exist as to the present revocation that would change EPA's previous analysis, the Agency is able to reference the general certification. Any comments about the Agency's determination should be submitted to EPA along with comments on the proposal, and will be addressed prior to issuing a final rule.

List of Subjects in 40 CFR Part 180

Enivornmental protection, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 4, 1998.

Lois A. Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I, part 180 is proposed to be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 would continue to read as follows:

AUTHORITY: 21 U.S.C. 346a and 371.

§ 180.243 [Removed]

2. Section 180.243 is removed.

[FR Doc. 98–6979 Filed 3–17–98; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–31, RM–9227]

Radio Broadcasting Services; Johnstown and Altamont, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Hometown Broadcasting Corp. seeking the reallotment of Channel 285A from Johnstown, NY to Altamont, NY, as the community's first local aural service, and the modification of Station WSRD's license to specify Altamont as its community of license. Channel 285A can be allotted to Altamont in compliance with the Commission's minimum distance separation requirements with a site restriction of 8 kilometers (5 miles) southwest of the community, at coordinates 42–38–07 NL; 74–04–30 WL, to accommodate petitioner's desired transmitter site. Canadian concurrence in this allotment is required since Altamont is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before April 27, 1998, and reply comments on or before May 12, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Richard R. Zaragoza, Jason S. Roberts, Fisher Wayland Cooper Leader & Zaragoza, L.L.P., 2001 Pennsylvania Avenue, NW, Suite 400, Washington, DC 20006 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–31, adopted February 25, 1998, and released March 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–7036 Filed 3–17–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 36

RIN 1018–AE58

Seasonal Closure of the Moose Range Meadows Public Access Easements in the Kenai National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to restrict public access and use of the public easements in the Moose Range Meadows area within the boundary of the Kenai National Wildlife Refuge (Refuge). Public access and use will be prohibited on the Service-managed easements from July 1 through August 15 annually.

This seasonal closure is necessary to prevent incompatible levels of bank degradation that occur along the easements due to intensive bank angling during the sockeye (red) salmon fishery each summer. Concentrated bank angling along the easements has led to unacceptable levels of vegetation destruction and accelerated erosion of the riverbank. Healthy riverbank habitats are important in maintaining the River's famous anadromous and resident fish populations and in meeting the primary purpose of the Refuge.

DATES: Written comments must be received by May 18, 1998.

ADDRESSES: Written comments should be addressed to Regional Director, U.S. Fish and Wildlife Service, ATTN: Bob Stevens, 1011 E. Tudor Road, Anchorage, AK 99503.

FOR FURTHER INFORMATION CONTACT: Robin West, Refuge Manager, Kenai National Wildlife Refuge, telephone: (907) 262–7021; or Bob Stevens, Public Involvement Specialist, telephone: (907) 786–3499.

SUPPLEMENTARY INFORMATION:

Background

The Service manages two public use easements on the banks of the Kenai River within lands conveyed to the Salamatof Native Association, Inc. The easements were reserved under terms of the August 17, 1979, stipulated settlement agreement between the United States, Cook Inlet Region Inc., and Salamatof Native Association Inc. The subject easements were reserved ''* * * for the public at large to walk upon or along such banks, to fish from such banks or to launch or beach a boat upon such banks * * *'' In addition, two access easements were also reserved from existing roadways to the river bank easements under the same agreement. Use of the two access easements was limited to foot travel or wheelchairs.

The level of foot traffic and use on the river bank easements has increased dramatically since the mid-1980's. The development and growth of the sockeye salmon sport fishery is the principal activity which has led to this high level of public use. In recent years, use has grown to the point where impacts to the vegetated banks of the Kenai River are readily apparent.

Discussions and meetings among Service staff, landowners, users, and other State and Federal managing agencies on how to deal with increasing use of the easements have been ongoing since the late 1980's. In 1995, the Kenai National Wildlife Refuge Manager (Refuge Manager) issued an emergency closure of portions of the public access easements pursuant to the authorities granted in 50 CFR 36.42. In issuing the emergency closure, the Refuge Manager determined that the human-caused bank degradation occurring as a result of the intensive bank angling effort was incompatible with the Refuge's purpose to, ''* * * conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, moose, bears, mountain goats, Dall sheep, wolves and other furbearers, salmonids and other fish, waterfowl and other migratory and nonmigratory birds'', [Alaska National Interest Lands Conservation Act (ANILCA), Pub. L. 96–487, 94 Stat. 2371, 2391, Section 303(4)(B)(i)]. By regulation, this emergency action was limited to 30 days in duration.

Following the closure in 1995, the Refuge Manager prepared an environmental assessment (EA), with full public involvement, to analyze the management alternatives for the Moose Range Meadows access easements (copies of the EA may be obtained from the Refuge Manager). Through the EA process, the Service selected a management alternative that would permanently close the easements on a seasonal basis. A temporary closure during the peak use season of 1996 was instituted pursuant to 50 CFR 36.42 as an interim management measure. This rulemaking action is a necessary part of implementing the preferred alternative to make permanent the seasonal use closure.

The seasonal closure will be in effect on the 25-foot wide streamside easements on both banks of the Kenai River, and on the 25-foot wide access easements running from Funny River Road and Keystone Drive to the downstream ends of the stream side easements on the south and north banks of the River, respectively. Approximately three miles of stream side easements (two miles on the north bank and one mile on the south bank) and an additional one mile of access easements would be affected by this closure. Lands affected by this action are contained within T. 4 N.; R. 10 W.; Sections 1, 2, and 3; Seward Meridian. Maps of the affected area are available from the Refuge Manager.

Statutory Authority

The Refuge Recreation Act of 1962 (16 U.S.C. 460k–k–4) authorizes the Secretary to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary purposes for which the area was established.

The National Wildlife Refuge System Administration Act (NWRSAA) of 1966 (16 U.S.C. 668 dd–ee) as amended, authorizes the Secretary under such regulations as he/she may prescribe to permit the use of any area within the National Wildlife Refuge System for any purpose whenever he/she determines that such uses are compatible with the major purposes for which such areas were established.

The National Wildlife Refuge System Improvement Act (NWRSIA) of 1997 (Pub. L. 105–57) amends and builds upon the NWRSAA in a manner that provides a strong and singular wildlife conservation mission for the Refuge System; it includes a requirement:

- To maintain the biological integrity, diversity and environmental health of the System;
- That no refuge use may be allowed unless it is first determined to be compatible; and
- That wildlife-dependent recreational uses (including hunting, fishing, wildlife observation and photography, and environmental education and interpretation), when determined to be compatible, will receive priority consideration over other public uses in refuge planning and management.

The NWRSIA serves to ensure that the Refuge System is effectively managed as a national system of lands, waters and interests for the protection and conservation of our nation's wildlife resources; however, if any conflict arises between any provision of NWRSIA and any provision of the ANILCA, then the provision in the ANILCA shall prevail.

Section 304 of ANILCA requires the Secretary to impose such terms and conditions as may be necessary and appropriate to ensure that any activities carried out on a national wildlife refuge in Alaska under any authority are compatible with the purposes of the Refuge.

The RRA, NWRSAA and NWRSIA and ANILCA authorize the Secretary to issue regulations to carry out the purposes of the Acts and regulate uses.

This rule is being proposed to manage public use of Service managed easements in a manner that is compatible with Refuge purposes as defined in section 303(4)(B) of ANILCA. The Service further determined that this action is in accordance with the provisions of all applicable laws, is consistent with principles of sound fish and wildlife management, helps implement Executive Orders 12996 (Management and Public Use of the National Wildlife Refuge System) and 12962 (Recreational Fisheries) and is otherwise in the public interest by regulating recreational opportunities at national wildlife refuges. Sufficient funds will be available within the refuge budgets to operate the hunting and sport fishing programs.

Request for Comments

A public hearing on this proposed rule was advertised in Alaska and held on March 19, 1997, at the Kenai Peninsula Borough building in Soldotna, Alaska. Department of Interior policy is, wherever practicable, to afford the public a meaningful opportunity to participate in the rulemaking process. A 60-day comment period is specified in

order to both facilitate public input and move forward to protect important refuge resources. Accordingly, interested persons may submit written comments concerning this proposed rule to the persons listed above under the heading **ADDRESSES**. All substantive comments will be reviewed and considered.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq., 5 CFR Part 1320, Pub. L. 04–13)

These proposed regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements.

Executive Order 12866

The document is not a significant rule subject to Office of Management and Budget review under Executive order 12866.

Regulatory Flexibility Act determination (5 U.S.C. 601 et seq.)

This rulemaking will not have a significant economic impact on a substantial number of small entities by decreasing visitation and expenditures in the surrounding area of Kenai NWR. This is not a fishing closure and the same number of anglers will continue to fish the Kenai River. They will simply access the river in a different location.

Since the first emergency closure in 1995 the public use has continued to increase. Many of these people are local or own summer homes along the river. They will continue to pay for fishing licenses, magazines, membership dues, contributions, land leasing, ownership, stamps, tags, permits and tackle.

Economic impacts of refuge fishing programs on local communities are calculated from average expenditures in the ''1996 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation''. In 1996, 35.2 million U.S. residents 16 years old and older enjoyed a variety of fishing opportunities throughout the United States. Anglers fished 626 million days and took 507 million fishing trips. They spent almost $38 billion on fishing-related expenses during the year. Among the 29.7 million freshwater anglers, including those who fished in the Great Lakes, but not Alaska, 515 million days were spent and 420 million trips were taken freshwater fishing. Freshwater anglers spent $24.5 billion on freshwater fishing trips and equipment.

Saltwater fishing attracted 9.4 million anglers who enjoyed 87 million trips on 103 million days. They spent $8.1 billion on their trips and equipment. Trip-related expenditures for food, lodging, and transportation were $15.4 billion; equipment expenditures amounted to $19.2 billion; other expenditures such as those for magazines, membership dues, contributions, land leasing, ownership, licenses, stamps, tags, and permits accounted for $3.2 billion, or 19.2 percent of all expenditures. Overall, anglers spent an average of $41 per day in the lower 48 states and projecting a 25 percent cost of living increase for Alaska, spent an average of $51 per day in Alaska.

Five hundred angler-days, based on past creel surveys in the proposed closure areas, will continue to have the same economic impact ($51./angler-day) on local economies because these anglers that used the closure area will continue to purchase supplies, food or lodging in the area of the refuge, during the time of the closure resulting in a continuation of $25,500 to the local economy.

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities such as businesses, organizations and governmental jurisdictions in the area under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*).

Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq., Pub. L. 104–4, E.O. 12875)

The Service has determined and certifies pursuant to the Unfunded Mandates Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities.

Civil Justice Reform (E.O. 12988)

The Department has determined that this proposed regulation meets the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

National Environmental Policy Act (42 U.S.C. 4321 et seq., 40 CFR Part 1500, 516 DM)

The Service complied with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)) by completing an environmental assessment following the emergency fishing closure in 1995. On May 9, 1996, a Decision Notice and Finding of No Significant Impact was signed. Copies of the EA may be obtained from the Kenai National Wildlife Refuge, P.O. Box 2139, Soldotna, Alaska 99669; telephone: (907) 262–7021. No further documentation is required by the National Environmental Policy Act (42 U.S.C. 4321–4347).

Section 7 Consultation (16 U.S.C. 1531 et seq., 50 CFR 402)

The Service reviewed the opening package documents for the proposed seasonal closure of the Moose Range Meadows public access easements in the Kenai National Wildlife Refuge with regards to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543). There are no listed or candidate species present in this area of the refuge. The Service finds the action as presented will not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species.

Intergovernmental Review of Federal Programs (E.O. 12372, 43 CFR Part 9, and the Intergovernmental Cooperation Act of 1968)

The Service reviewed this rule under E.O. 12372 and accommodated the recommendations of State and local governments concerning Federal programs affecting their jurisdictions.

Primary Author

Mark Chase, Deputy Refuge Manager of the Kenai National Wildlife Refuge, is the primary author of this proposed rulemaking document.

List of Subjects in 50 CFR Part 36

Alaska, Recreation and recreation areas, Reporting and recordkeeping requirements, Wildlife refuges.

Accordingly, the Service proposes to amend part 36 of chapter I of title 50 Code of Federal Regulations as follows:

PART 36—[AMENDED]

1. The authority citation for Part 36 is revised to read as follows:

Authority: 16 U.S.C. 460(k) *et seq.*, 668dd *et seq.*, 742(a) *et seq.*, 3101 *et seq.*; and 44 U.S.C. 3501 *et seq.*

2. Amend § 36.39 by adding paragraph (i)(7)(ix) to read as follows:

§ 36.39 Public Use.

* * * * *

(i) * * *

(7) * * *

(ix) From July 1 to August 15, and annually thereafter, the public may not use or access any portion of the 25-foot wide public easements along both banks of the Kenai River within the Moose Range Meadows area; or along the Homer Electric Association Right-of-Way from Funny River Road and Keystone Drive to the downstream limits of the streamside easements. The

Kenai Refuge Manager has a map available for anglers and the general public to locate the above closures by referring to Sections 1, 2, and 3 of Township 4 North, Range 10 West, Seward Meridian.

* * * * *

Dated: March 2, 1998.

Donald J. Barry,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 98–6915 Filed 3–17–98; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

50 CFR Part 679

[Docket No. 971015247–8061–02; I.D. 091597D]

RIN 0648–AK19

Fisheries in the Exclusive Economic Zone Off Alaska; Withdrawal of a Proposed Rule to Modify Individual Fishing Quota Survivorship Transfer Provisions

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed Rule; withdrawal.

SUMMARY: NMFS withdraws a proposed regulatory amendment to the Individual Fishing Quota (IFQ) Program for fixed gear Pacific halibut and sablefish fisheries in and off of Alaska that was published in the **Federal Register** on November 6, 1997 (62 FR 60060). The proposed regulatory change would have modified the IFQ Program's survivorship transfer provisions in a manner that would be inconsistent with the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). This action is necessary to withdraw the proposed rule, and is intended to preclude implementation of regulations that NMFS has determined to be inconsistent with provisions of the FMPs.

DATES: This proposed rule is withdrawn on March 18, 1998.

FOR FURTHER INFORMATION CONTACT: James Hale, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

The fixed gear halibut and sablefish fisheries are managed by the IFQ Program, a limited access system for fixed gear Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) fisheries in and off of Alaska. Under authority of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act of 1982, NMFS implemented the IFQ Program in 1995, on the recommendation of the North Pacific Fishery Management Council (Council), to reduce excessive fishing capacity in the fixed gear Pacific halibut and sablefish fisheries, while maintaining the social and economic character of these fisheries and the Alaskan coastal communities where many of these fishermen are based.

Various limitations and restrictions govern the use and transfer of QS and IFQ. To harvest an IFQ allocation of halibut or sablefish species, the holder of QS from which the IFQ derives must qualify as an initial recipient of QS or as a crew member with at least 150 days experience in commercial harvest operations. Moreover, all leasing of IFQ in QS categories B, C, or D is prohibited. However, the FMPs provide for emergency transfer of IFQ. Under the authority of these emergency transfer provisions, a final rule published in the *Federal Register* on August 9, 1996 (61 FR 41523), granted surviving spouses of deceased QS holders emergency privileges allowing them to lease the total IFQ resulting from the deceased QS holder's QS for a period of 3 years following the QS holder's death. A surviving spouse might not otherwise be eligible to use or lease the deceased QS holder's IFQ (1) because of the 150-day crew members requirement and (2) unless or until a court determines the spouse to be the rightful beneficiary of QS. The emergency upon which such transfer privileges are predicated and, hence, authorized by the FMPs, is the temporary indisposition of QS while the deceased QS holder's estate remains in probate. NMFS implemented the surviving spouse transfer provisions expressly to allow a spouse to gain some pecuniary benefit from a deceased QS holder's fishing business pending the final disposition of the QS. Such privileges are temporary; once a deceased QS holder's estate is probated and an heir to the QS determined, that heir is free to transfer the QS to an individual eligible to fish an IFQ allocation of halibut or sablefish.

In June 1997, the Council recommended extending the surviving spouse transfer privileges to heirs. For the benefit of such an action to take effect, a legal determination of who would be the heir would first have to be made. Implementation of this proposed action would not extend the benefit of the existing surviving spouse transfer privileges to other surviving family members in addition to or in the absence of a spouse. Rather, it would nullify the benefit of the existing rule, which is to allow a surviving spouse to lease the deceased QS holder's IFQ for up to 3 years between the date of the QS holder's death and the time when the legal beneficiary of the QS may transfer the QS to an eligible individual.

Moreover, this proposed action is inconsistent with the FMPs. The proposed action would have effect only after the conclusion of the emergency for which the surviving spouse transfer privilege provides the often time-consuming legal process necessary to determine an heir. Because no emergency exists that would authorize the extension of temporary transfer privileges to heirs, this action is inconsistent with the FMPs and is hereby withdrawn. NMFS also withdraws the proposed rule amending survivorship transfer provisions for halibut QS and IFQ. Although the halibut IFQ fishery is not regulated pursuant to the FMPs, NMFS withdraws the amendment to transfer provisions for this fishery, as well, in order to allow the Council to reconsider this action and to maintain consistency in transfer provisions in these closely related IFQ fisheries.

Classification

This action has been determined to be not significant for purposes of E.O. 12866.

Dated: March 12, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98–7041 Filed 3–17–98; 8:45 am]

BILLING CODE 3510–22–F